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and Nominal Defendant Coherent, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re COHERENT, INC. SHAREHOLDER
DERIVATIVE ACTION

Lead Case No. C-07-0955-JF

DERIVATIVE ACTION

This Document Related To:

ALL ACTIONS.

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT**

1 WHEREAS, on June 25, 2007, plaintiffs filed a consolidated amended complaint (the
2 “Complaint”) in this consolidated shareholder derivative action;

3 WHEREAS, on December 6, 2007, the parties filed a stipulation and proposed order to
4 extend the defendants’ deadline to respond to the Complaint and related briefing schedule in light
5 of mediation proceedings;

6 WHEREAS, on December 10, 2007 the Court approved the parties’ stipulation and
7 continued defendants’ deadline to respond to the Complaint to February 22, 2008;

8 WHEREAS, a full day mediation was held on January 9, 2008 before the Hon. Howard
9 Wiener (ret.);

10 WHEREAS, Justice Wiener, the Coherent Special Litigation Committee and plaintiffs are
11 currently engaging in continuing further settlement discussions, and have scheduled a further
12 mediation before Justice Wiener on March 20, 2008;

13 WHEREAS, in light of the foregoing, the parties have agreed, subject to Court approval,
14 to continue the date for defendants’ deadline to respond to the Complaint in order to facilitate the
15 ongoing settlement discussions;

16 WHEREAS, the agreed upon schedule is not for the purpose of delay, promotes judicial
17 efficiency, and will not cause prejudice to any party;

18 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs, defendants and the
19 Special Litigation Committee, through their undersigned counsel, subject to approval of the
20 Court, as follows:

21 1. Defendants’ deadline to respond to the Complaint is continued from February 22,
22 2008 to April 18, 2008.

23 2. In the event that defendants file and serve motion(s) directed at the Complaint,
24 plaintiffs shall file and serve an opposition no later than June 2, 2008, and defendants shall file
25 and serve a reply no later than July 2, 2008.
26
27
28

1 3. The Case Management Conference is rescheduled until such time that the Court
2 schedules a hearing on the responsive pleadings.

3 IT IS SO STIPULATED.

4
5 Dated: January 30, 2008

/s/

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1 Dated: January 30, 2008

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22 Dated: January 30, 2008

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1 Dated: January 30, 2008

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Coherent, Inc. and Nominal Defendant Coherent,
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1 I, Michael C. Tu, am the ECF user whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Extending Time to Respond to Complaint. In compliance with
3 General Order 45(X), I hereby attest that the other signatories have concurred in this filing.

4 _____
5 /s/ Michael C. Tu
6 Michael C. Tu

7 **ORDER**

8 Pursuant to the parties' stipulation, IT IS SO ORDERED.

9 Dated: 2/5/08 _____

10 _____
11 **HON. JEREMY FOGEL**
12 **UNITED STATES DISTRICT COURT JUDGE**